IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2006

Coram

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice V.DHANAPALAN

H.C.P.No.338 of 2006

Ghouse Basha .. Petitioner

Vs.

1.The Secretary to Government,
Prohibition and Excise Department,
Fort St. George, Chennai.

2.The Commissioner of Police,
Greater Chennai. .. Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of habeas corpus, to call for the records in connection with the order of detention passed by the 2nd respondent dated 11.02.2006 in Memo No.50/BDFGISV/2006 against the petitioner Ghouse Basha S/o. Hussain aged about 58 years, who is now confined at Central Prison, Chennai and set aside the same and produce him before this Court and set him at liberty.

For Petitioner .. Ms.V.Vanitha

For Respondents .. Mr.M.Babu Muthumeeran,
Addl. Public Prosecutor

O R D E R

(Order of the Court was made by P.SATHASIVAM, J.)

The petitioner, by name Ghouse Basha, who is detained as a ''Goonda" as contemplated under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Slum Grabbers and Video Pirates Act, 1982 (Tamil Nadu Act 14 of 1982), by the impugned detention order dated 11.02.2006, challenges the same in this Petition.

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2. Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor of the respondents.

3. At the foremost, learned counsel for the petitioner submitted that there was delay in disposal of the representation dated 14.02.2006. With reference to the same, learned Additional Public Prosecutor furnished details, which show that the representation was received by the Government on 15.02.2006, remarks were called for on 16.02.2006 and received on 24.02.2006. The file was dealt with by the Under Secretary on 27.02.2006 and Deputy Secretary on 28.02.2006 and finally, the Minister for Prohibition and Excise passed an order on 01.03.2006. Thereafter, rejection letter was prepared on 03.03.2006 and the same was sent to the detenu on 06.03.2006 and served to the detenu on 07.03.2006.

4. By pointing out that though the remarks were called for on 16.02.2006, the same were received by the Government only on 24.02.2006, learned counsel for the petitioner contended that the Collectorate and the sponsoring authority were not justified in taking eight days time in sending the remarks.

5. The further particulars furnished by the Additional Public Prosecutor show that the request for calling the remarks was received by the Collectorate on 20.02.2006, in turn, the collectorate called for details from the sponsoring authority on 21.02.2006 and remarks were received by the Collectorate on 23.02.2006 thereafter the same was sent to the Government on 24.02.2006. In the light of the details furnished, we are satisfied that there was no let up at any stage and there is no delay as claimed by the learned counsel for the petitioner. Accordingly, we reject the said contention.

6. Learned counsel for the petitioner submitted that the detention order was not intimated to the family members. As against this, learned Additional Public Prosecutor by placing records informed us that the wife of the detenu was intimated regarding passing of the detention order on 12.02.2006. Accordingly, we reject the said contention also.

7. Except the above contentions, no other contention was raised. We do not find any valid ground for interference. Consequently, the Habeas Corpus Petition fails and the same is dismissed.

Sd/
Asst.Registrar

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Sub Asst.Registrar

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To

1.The Secretary to Government,
Prohibition and Excise Department,
Fort St. George, Chennai.

2.The Commissioner of Police,
Greater Chennai.

3.The Superintendent,
Central Prison, Chennai.
(in duplicate for communication to the detenu)

4. The Joint Secretary to Government, Public (Law and Order)
Fort St. George, Chennai-9.

5.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.V.Kannadasan, Advocate Sr 27618

HPR (CO)
km/4.7.

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